



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Applicant Name: City of Seattle, Department of Planning and Development

Address of Proposal: Single Family zoned parcels in Seattle

SUMMARY OF PROPOSED ACTION

This non-project action would amend the Land Use Code to allow demolition permits to be granted in Single Family zones even if permits to change the use or rebuild have not been obtained yet, except when demolitions would relate to expansion of a permitted non-residential use. This will accommodate demolitions that are needed to address deteriorating structures that contribute to public health, safety, aesthetic and economic impacts on their surroundings.

It is expected that the City Council will act on the proposed non-project legislation in the summer of 2009.

The following approvals are required:

- **SEPA – Environmental Determination** (Chapter 25.05, SMC)
- **Legislative Decision** – City Council Action

SEPA DETERMINATION: [☐] Exempt [☒] DNS [☐] EIS

[☐] DNS with conditions

[☐] DNS involving non-exempt grading or demolitions or
involving another agency with jurisdiction.

BACKGROUND

Site Location and Description

The proposal is a non-project action affecting most properties in Single Family zones that are widely distributed around the city. Single-family properties that are adjacent to other properties in non-residential use would not be eligible to benefit from this expedited demolition authority when demolition would relate to expansion of a non-residential use.

Proposal Description

The proposal addresses the ability of citizens to obtain a demolition permit in Single Family zones. Unless demolition is ordered for health and safety reasons, current regulations prohibit issuance of a demolition permit for any structure containing dwelling units unless: a permit or approval has been issued to change the use of a site to a use other than non-required parking; or a permit approval has been issued to relocate a structure to another lot where it will continue to be used as housing, or the applicant has filed an acceptable waste diversion plan with the City for salvaging building materials to be reused. The City's goal was, and is, to protect housing resources, while preventing the creation of vacant lots or lots solely used for surface parking. The provisions represent one of the few tools the City has available to it to preserve existing housing supply. Existing housing is often viewed as more affordable than newly constructed housing, and often shares the design of the structures surrounding it, thereby ensuring consistent neighborhood character

The proposal would allow citizens to gain permission for the demolition of residential structures in Single Family zones, even if permits have not been obtained beforehand that would establish a new use or structure on the lot (excepting a situation involving non-residential use expansion). This would accommodate situations, for example, where the existing structure is deteriorated to the point it is detrimental to public health, safety and/or aesthetics. In such cases, the structure's demolition and resulting vacant lot would relieve many of the detrimental qualities and at the same time relieve a regulatory burden on a property owner.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from the project was made in the environmental checklist dated June 2009. This threshold determination is based on:

- *the proposal*, as described above;
- the information contained in the *SEPA checklist*;
- additional information, such as analyses prepared by City staff; and
- the experience of DPD analysts in reviewing similar documents and actions.

City Council action on these recommendations would constitute a non-project action, since approval of them does not result in specific tangible action at a specific site. In accordance with SEPA, this analysis considers how the non-project action could influence future activity and the associated indirect, cumulative potential for impacts.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential for long-term cumulative impacts that might result from differences in future actions due to the proposed amendments.

1. Natural Environment (including Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Toxic/Hazardous Materials)

The proposed changes would result in no direct environmental impacts, and are unlikely to result in significant indirect or cumulative adverse impacts to the natural environment. The probable long-term effect of the proposal is an increased number of total demolitions, because it would be easier to gain permission to demolish deteriorating structures in Single Family zones. This would generate additional levels of pollutants emitted into the natural environment by the processes of demolition, even if all rules for proper demolition are followed. This would represent an additional adverse but not significant adverse impact on the natural environment.

However, further comparisons of the existing condition to the proposed future condition are worth discussing. If demolition would be delayed indefinitely at a subject property as a result of current demolition rules, toxic/hazardous substances and polluting features such as leaky oil tanks, if present, would remain in place indefinitely on some properties and continue to pollute their surroundings. In such a case, it is likely preferable that demolitions following standard practices occur so that any polluting features present are removed from the natural setting even if there is some pollution emitted during the demolition itself. This scenario suggests the potential overall environmental impact of adopting the proposal, in terms of toxic/hazardous exposure, ultimately could be positive. However, there is not enough evidence to definitively make this conclusion. In any case, no significant adverse impacts on the natural environment are anticipated as a result of this proposal.

2. Built Environment (including Land and Shoreline Use, Housing, Aesthetics, Public Services)

No significant adverse impacts to the built environment are anticipated as a result of this proposal. The proposed demolition rule typically would be applied to situations where deteriorated structures in Single Family zones pose actual threats to public health, safety, aesthetics and economic conditions on the surrounding vicinity. Experience in Seattle and elsewhere shows that dilapidated structures, especially when unoccupied, can be magnets for illegal activity, vandalism, and are even subject to increased risk of fire. By comparison, if the structure is demolished, a vacant lot kept in up-to-code conditions would be much less detrimental to public health, safety, aesthetics and economics. The analysis accompanying the proposal also suggests that the City's current policies can weigh heavily on single-family homeowners that lack resources to pursue permits for other uses, and that this lack of capability to demolish troublesome structures can delay the improvement of conditions (through demolition) that would be in the public interest.

Based on the valid comparison between a single family neighborhood land use pattern with intermittent dilapidated houses and a pattern with intermittent vacant properties, the proposal is likely to generate cumulative positive land use impacts and improved public health, safety and aesthetics.

While it is true that housing stock would be lost by these future site-specific actions, it should also be noted that the viability of much of the housing where this demolition permitting strategy is applied would be very questionable, given the high levels of investment that would be typically needed to repair such housing to meet current standards for habitability. In many cases, this would also mean that no one is living in the structure proposed for demolition. Also, even under current rules, master use permits for replacement uses may be obtained but the permitted housing is not always built. Overall, the housing loss that would occur is likely to be only nominally different than under existing conditions, and it would not constitute a significant adverse housing impact.

City policies and interpretation of permit data tend to support the findings above, even though the data available are only partially comparable to the topic of additional volumes of demolitions generated by this proposal.

- City policies such as the tenant relocation assistance ordinance are linked into permitting processes for demolitions, meaning that DPD reviewers must obtain information about whether residents are present in a house proposed for demolition, and if so the applicant or building owner must provide relocation assistance. This provides a pathway for potentially displaced households to find alternate housing.
- Roughly 30 structures per year are newly classified by DPD as “unfit for habitation,” and residents are not allowed to live in such structures. These are potential candidates for the proposed demolition permitting strategy, even though only a fraction of these might pursue demolition every year.
- In typical years, roughly 100-400 structures are estimated to obtain demolition permits in single-family zones. (Unusually large projects such as redevelopment at public housing sites may skew this data.) The vast majority of these would follow a typical pattern of demolition followed by construction of new dwelling units, and so would not be likely to use the proposed demolition permitting strategy.
- From the above data and an interpretation of the purpose of the proposal, an inference can be made that only a small percentage of increase in demolition volume may occur, and of that amount it is likely that most of the units would be unoccupied. A rough estimate of potential increase in demolition related to the proposal is 5-20 structures per year. Therefore, the potential for displacement of individual households due to the proposal is interpreted as low, and City policies requiring relocation assistance would be expected to assist most if not all occupants (if they are even still residing in such dwelling units) to find other housing.

No adverse public service impacts are identified. The proposal would likely reduce potential fire risks and crime risks by allowing the demolition of dilapidated buildings, thereby generating probable cumulative positive public service impacts and improved public health and safety.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- (X) Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.0302c.
- () Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.0302c.

Signature: (signature on file)
Gordon Clowers, Urban Planner
Department of Planning and Development

Date: July 9, 2009